

Translation

ATENT COOPERATION TREATY

PCT/AT2003/000068



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT 14 JAN 2005

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference St 6283/cm | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/AT2003/000068 | International filing date (day/month/year) 11 March 2003 (11.03.2003) | Priority date (day/month/year) 18 July 2002 (18.07.2002) |
| International Patent Classification (IPC) or national classification and IPC B29B 13/10, B29C 47/10, B02C 18/44, B29B 17/00 | | |
| Applicant STARLINGER & CO GESELLSCHAFT M.B.H. | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

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|--|---|
| Date of submission of the demand 18 September 2003 (18.09.2003) | Date of completion of this report 13 October 2004 (13.10.2004) |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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I. Basis of the report

1. With regard to the elements of the international application:*

the international application as originally filed
 the description:

pages 1, 3-7, as originally filed
 pages , filed with the demand
 pages 2, 2a , filed with the letter of 24 September 2004 (24.09.2004)

the claims:

pages , as originally filed
 pages , as amended (together with any statement under Article 19
 pages , filed with the demand
 pages 1-12 , filed with the letter of 24 September 2004 (24.09.2004)

the drawings:

pages 1/3-3/3, as originally filed
 pages , filed with the demand
 pages , filed with the letter of

the sequence listing part of the description:

pages , as originally filed
 pages , filed with the demand
 pages , filed with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
 the language of publication of the international application (under Rule 48.3(b)).
 the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

contained in the international application in written form.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority in written form.
 furnished subsequently to this Authority in computer readable form.
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/fig. _____

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|------|-----|
| Novelty (N) | Claims | 2-12 | YES |
| | Claims | 1 | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1-12 | NO |
| Industrial applicability (IA) | Claims | 1-12 | YES |
| | Claims | | NO |

2. Citations and explanations

1. The preamble of claim 1 concerns a device for processing plastic waste, the device having a cutter-communuting system disposed in a housing and a downstream extruder. Figures 4 and 5 or figure 6 of US-6126100 (D3) in conjunction with columns 8 and 9 show a system according to the preamble of claim 1. In D3 the material is also delivered radially; see figure 1 or figure 6.

The characterizing part of claim 1 concerns the arrangement of the cutter-communuting system in the immediate vicinity of the extruder inlet opening, such that a "shear gap" is produced between the cutter-communuting system and the downstream extruder. However, in D3, the cutter-communuting system is also so close to the downstream extruder that a shear gap is automatically produced; see figures 4 and 5 or figure 6 in conjunction with column 8, lines 49 to 56 - "nearly contacting".

Therefore the subject matter of claim 1 is no longer novel with respect to two of the embodiments shown in figures 4 and 5 or in figure 6 of D3 (PCT Article 33(2)).

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2. The dependent claims contain design details and thus concern obvious, non-inventive measures (PCT Article 33(3)).
3. In claim 1, it is not entirely clear, technically, what an "effective shear gap" is (PCT Article 6).